

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICARDO MARTINATI,

Plaintiff,

vs.

UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES, UNITED  
STATES DEPARTMENT OF HOMELAND  
SECURITY, ALEJANDRO MAYORKAS,  
Secretary of the Department of Homeland  
Security; UR JADDOU, Director of United  
States Citizenship and Immigration Services;  
and L. MILLER, Director of United States  
Citizenship and Immigration Services Nebraska  
Service Center.

Defendants.

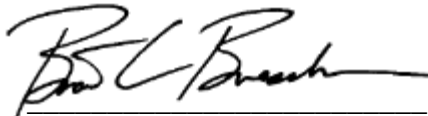
**4:22CV3065**

**ORDER FOR DISMISSAL WITHOUT  
PREJUDICE**

This case is before the Court on Plaintiff's Notice of Voluntary Dismissal. Filing 5. The Notice states that Defendants have completed adjudication of Plaintiff's immigration application and, as such, Plaintiff voluntarily dismisses the case. Such a Notice does not require a court order when filed prior to any opposing party filing an answer, as is the case here. *See* Fed. R. Civ. P. 41(a)(1)(A)(i). Nevertheless, the Court enters this order to clarify whether dismissal is with or without prejudice. Because the Notice does not state otherwise, and there is no indication that Plaintiff has previously dismissed any action based on the same claim, the dismissal is without prejudice. *See* Fed. R. Civ. P. 41(a)(1)(B). Therefore, pursuant to Plaintiff's Notice, this case is dismissed without prejudice.

Dated this 30<sup>th</sup> day of June, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge